

ORIGINAL



0000092409

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

2009 JAN 14 P 3:43

JAN 14 2009

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

mn

COMMISSIONERS

KRISTIN K. MAYES - CHAIRMAN
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF THE APPLICATION OF)
CBeyond COMMUNICATIONS, LLC FOR)
APPROVAL OF A CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO PROVIDE)
FACILITIES-BASED LOCAL EXCHANGE AND)
RESOLD LONG DISTANCE)
TELECOMMUNICATIONS SERVICES IN)
ARIZONA.)
)
)
)

DOCKET NO. T-20497A-06-0802

**REQUEST FOR
EXTENSION OF TIME**

Cbeyond Communications, LLC ("Cbeyond") requests a 30 day extension to procure and submit a Letter of Credit in compliance with Decision No. 70644. In support of this report, Cbeyond states:

1. In Decision No. 70644 (December 17, 2008), Cbeyond was required to procure and file a Performance Bond or Irrevocable Sight Draft Letter of Credit in the amount of \$110,000 within 30 days of the Decision.

2. Cbeyond is in the process of procuring the required Letter of Credit. Cbeyond anticipates receiving the Letter of Credit in the immediate future. However, given various circumstances, including the short time for compliance, the intervening holidays and the current state of credit markets, it does not appear that Cbeyond will obtain the Letter of Credit in time to file it by the January 17, 2009 compliance date.

3. Cbeyond is not presently serving customers in Arizona and will not do so until after the Letter of Credit is filed and all other applicable compliance requirements are met.

4. Although Cbeyond expects to receive the Letter of Credit in the immediate future, Cbeyond requests an extension of 30 days (until February 16, 2009) to file the Letter of Credit.

1 RESPECTFULLY SUBMITTED this 14th day of January 2009.

2 ROSHKA DEWULF & PATTEN, PLC

3
4
5 By 

6 Michael W. Patten
7 One Arizona Center
8 400 East Van Buren Street, Suite 800
9 Phoenix, Arizona 85004

10 Attorneys for Cbeyond Communications, LLC

11 Original and 13 copies of the foregoing
12 filed this 14th day of January 2009 with:

13 Docket Control
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17 Copy of the foregoing hand-delivered/mailed
18 this 14th day of January 2009 to:

19 Brian Bozzo
20 Utilities Division
21 Arizona Corporation Commission
22 1200 West Washington
23 Phoenix, Arizona 85007

24
25
26
27
By 

ROSHKA DEWULF & PATTEN, PLC

ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800